

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Hon. Phillip J. Green

v.

Case No. 1:22-mj-00015

WILLIAM MATTHEW SMITH,

Defendant.

ORDER OF DETENTION

This matter is before the Court on the government's motion for pretrial detention. Defendant has been charged by Criminal Complaint. Counts 1-2 charge him with possession with intent to distribute a mixture or substance containing a detectable amount of methamphetamine, in violation of 21 U.S.C. § 841(b)(1)(C) and count 3 charges defendant with possession with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, in violation 21 U.S.C. § 841(a)(1). Given that probable cause was found in a preliminary hearing due and the nature of the charges, there is a statutory rebuttable presumption in favor of detention.

The government sought defendant's detention on the basis that he is a danger to the community, 18 U.S.C. § 1342(f)(1) and that he poses a risk of non-appearance, 18 U.S.C. § 3142(f)(2)(A). The Court conducted a hearing on January 31, 2022, at which defendant was represented by counsel.

Having considered the information presented at the hearing, the parties' oral

submissions, and the information in the Pretrial Services Report, and for the reasons stated on the record, the Court finds that defendant has rebutted the statutory presumption of detention as to significant risk of flight and danger to the community. The Court also finds, however, as explained on the record, that the government has met its burden by clear and convincing evidence that he poses a danger to the community. The Court further finds that there is no condition or combination of conditions that will ensure the safety of the community. Accordingly,

IT IS ORDERED that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED on January 31, 2022.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge